

## REMARKS/ARGUMENTS

### Claim Status Summary

Claims 1-6 are rejected under 35 U.S.C. §102(b), as being anticipated by Ramfelt (U.S. Patent No. 6,108,338).

### 35 U.S.C. §102(b)

Claims 1-6 are rejected under 35 U.S.C. §102(b), as being anticipated by Ramfelt (U.S. Patent No. 6,108,338). The Applicant respectfully disagrees for the reasons discussed below.

The 35 U.S.C. §102(b) states the following:

“A person shall be entitled to a patent unless  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States”

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”  
*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (MPEP § 2131). As can be gleaned from the cited case law, the requirement is that each element must be either expressly or inherently described.

### **Cited Reference Does Not Disclose Every Recited Limitation**

The claim 1 recites the following limitations:

“implementing in a ring network including a plurality of switches;  
setting a plurality of **interruption points** each at a location farthest from a unique one of the switches;  
**dividing** a packet output path of each switch into two different transfer paths;  
selecting either transfer path based on an initialization when one of the switches is about to send a packet to the other switch; and

sending the packet from one switch to the other switch along the selected transfer path, thereby achieving purposes of optimizing flow and fully utilizing available bandwidth.”

In examining the portion of the cited reference that the examiner has referred the Applicant to, Ramfelt does not disclose the recited method steps of **setting an interrupt point for each switch, dividing the path, and selecting the path accordingly**. The invention as recited discloses a method for selecting a shortest path in a ring network. As disclosed in the Specification, as originally presented, an interrupt point is meant for stopping data transfer and receiving (Specification, page 2, 2<sup>nd</sup> paragraph). The recited invention sets an interrupt point at a particular point for each switch; such interrupt point stops data from further been transferred and received. Based on this interrupt point, the recited invention further divides the transfer path into two transfer paths and selects one transfer path for transferring packets. Ramfelt fails to disclose any of the recited steps.

The Office Action alleges that since the calculation to determine whether to send packets along the counter clockwise or clock path is made by determining which path is shorter, an interrupt point is created at the midpoint of each segment (Office Action, page 2, last paragraph). The Office Action further states that Ramfelt discloses the recited step in column 7, lines 61 to column 11. Applicant respectfully disagrees. Ramfelt discloses a dual-ring network (figure 1). The referred section in Ramfelt explicitly discloses a different set of steps on how Ramfelt determines the selection of the paths. Ramfelt discloses a method of determining and selecting a shorter path between D1 (counter clockwise/outer ring) and D2 (clockwise/inner ring). Ramfelt discloses selecting the path by selecting a small value between a first value and a second value. The first value is the chronological number of the destination node minus the chronological number of the source node. The second value is the chronological number of the source node plus the total number of nodes in the ring topology 12 (D1, outer ring) minus the chronological number of the destination node (Ramfelt, column 8,

lines 3-11). In the provided example, Ramfelt discloses that the path D2 is selected because the second value, which is the chronological number of the source node plus the total number of nodes in the ring topology 12 (D1, outer ring) minus the chronological number of the destination node, is smaller. **Ramfelt's method discloses a calculation based on one particular ring topology 12 (D1, outer ring) in a dual-ring structure. Ramfelt does not disclose any interrupt point in calculating and selecting path.** Since Ramfelt discloses a dual-ring structure, and each ring is dedicated to either clockwise direction or counter clockwise direction, **Ramfelt simply selects either the out ring path or inner ring path, Ramfelt does not divide the path as recited.** Since Ramfelt does not disclose the recited interrupt points and dividing the path, Ramfelt cannot disclose selecting the shorter path based on the interrupt points and divided path. Therefore, Ramfelt does not disclose every recited limitation as required under 35 U.S.C. §102(b).

Furthermore, Ramfelt does not disclose a **path selecting method for a single ring network**. As recited in the claim 1, the current invention selecting a path for a ring network (Specification, figure 2). Because the current invented steps are implemented on a single ring network, it is necessary to divide the path before determining the shortest travel distance. As discussed above, Ramfelt discloses a dual-ring network (Ramfelt, figure 1). Ramfelt does not disclose any single ring network as recited in the claim 1. Ramfelt discloses an inner ring and an outer ring in the dual-ring structure, and Ramfelt selects either the outer ring or inner ring. Since Ramfelt's method is to select either the inner ring or the outer ring, Ramfelt's path selecting method cannot be applied on any single ring network. Therefore, Ramfelt does not disclose every recited limitation as required under 35 U.S.C. §102(b).

### **Patent Examiners Should Interpret Claims in Light of Specification**

The court has recently indicated that the PTO should apply the principles of *Phillips v. AWH* during prosecution — rather than the PTO's current practice of giving claims their “broadest reasonable interpretation.” *In re Johnston* (Fed. Cir. 2006). The Patent Office may use a dictionary in defining the patent applicant's claim terms only when the patent specification did not otherwise provide any interpretation.

### **Office has the Burden of Proof**

The Office has the initial burden of setting forth a prima facie case of obviousness, and to do that the Office must identify specific teachings, suggestions or motivations in the prior art for making the claimed combination. Merely pointing out that various elements by themselves are known in the prior art is insufficient. Nor is it sufficient to merely state that combination of the missing elements is obvious because their combination would be beneficial. If that were the standard nothing would ever be patentable.

### **Rejections to Claims 2-6**

Claims 2-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Ramfelt. Applicant respectfully disagrees. Claims 2-6 are dependent on claim 1; thus claims 2-6 incorporate every recited limitation in claim 1. For the same reasons discussed above, the cited reference does not disclose every limitation in the claims 2-6. Applicant respectfully request a favorable reconsideration in view of reasons discussed above.

### **Conclusion**

Claims 1-6 are pending in this application. In view of the reasons stated above, Applicant respectfully requests a favorable reconsideration and issuing allowance accordingly. Examiner is invited to contact the attorney on record to expedite the prosecution in pursuance of allowance.

Respectfully submitted,  
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